

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

UNITED STATES OF AMERICA                                  ) Case No. 1:21-cr-113  
    )  
v.    ) Judge Atchley  
    )  
TIMOTHY BROWN    ) Magistrate Judge Steger

**ORDER**

U.S. Magistrate Judge Christopher H. Steger filed a report and recommendation [Doc. 128] recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Count Eleven of the thirteen count Superseding Indictment; (2) accept Defendant's guilty plea to Count Eleven of the thirteen count Superseding Indictment; (3) adjudicate Defendant guilty of use of a communication device to facilitate the distribution of controlled substances in violation of 21 U.S.C. § 843(b); and (4) order that Defendant remain out of custody subject to the Order Setting Conditions of Release [Doc. 37] pending sentencing or further order of this Court.

After reviewing the record, the Court agrees with Magistrate Judge Steger's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 128] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea to Count Eleven of the thirteen count Superseding Indictment is **GRANTED**;
2. Defendant's plea of guilty to Count Eleven of the thirteen count Superseding Indictment is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of use of a communication device to facilitate the distribution of controlled substances in violation of 21 U.S.C. § 843(b);

4. Defendant **SHALL REMAIN** out of custody subject to the Order Setting Conditions of Release [Doc. 37] until further order of this Court or sentencing in this matter which is scheduled to take place on **March 28, 2024, at 10:00 a.m.**

**SO ORDERED.**

/s/ Charles E. Atchley, Jr.

**CHARLES E. ATCHLEY, JR.**

**UNITED STATES DISTRICT JUDGE**